



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-020	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		March 14, 2017
Deadline for Action	Application Date	January 30, 2017	60 Days	March 31, 2017
	Date Extension Letter Mailed	February 14, 2017	120 Days	May 30, 2017
Location of Subject		1822 Melrose Avenue		
Applicant	Benjamin D. Wheeler	Contact	PO Box 341, Milltown, WI 54858	
Agent	Adam McCauley	Contact	4801 Pitt Street, Duluth, MN 55804	
Legal Description		See Attached, PID: 010-0320-00020, LOT: 02 BLOCK:001		
Site Visit Date		March 3, 2017	Sign Notice Date	February 28, 2011
Neighbor Letter Date		February 23, 2017	Number of Letters Sent	53

Proposal

Applicant proposes use of a single family home with 3 bedrooms as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential Traditional	Traditional Neighborhood
North	R-1	Residential Traditional	Traditional Neighborhood
South	R-1	Residential Traditional	Traditional Neighborhood
East	R-1	Residential Traditional	Traditional Neighborhood
West	R-1	Residential Traditional	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an R-1 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the

date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities

Future Land Use – Traditional Neighborhood:

Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

Review and Discussion Items:

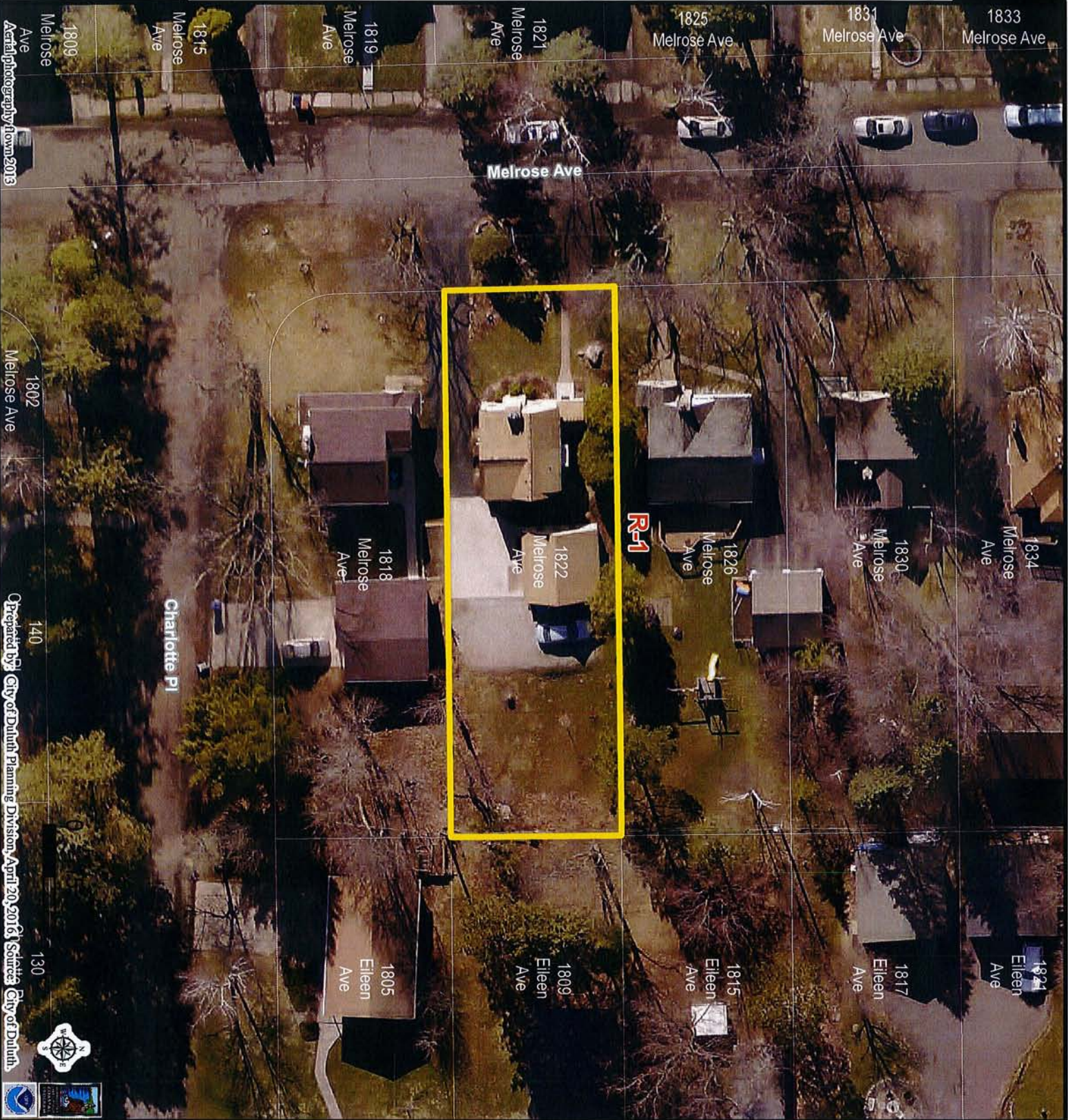
- 1) Applicant's property is located on 1822 Melrose Avenue. The proposed vacation dwelling unit has 3 bedrooms, which would allow for a maximum of 7 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant has identified Mr. Adam McCauley, of 4801 Pitt Street, in the Lakeside neighborhood as the managing agent.
- 3) Parking for the house is located on a paved parking area in front of the two car garage in the backyard area of the property. The parking requirement for a 3-bedroom unit is 2 spaces and has been satisfied.
- 4) The site plan indicates that there is a gas grill as an exterior amenity located on the northeast corner of home between the garage and house, and a fire pit located in the central backyard area. The applicant has stated that the fire pit will be removed. The site plan shows existing screening/buffering consisting of trees and shrubs along the side and rear yard areas of the home. Aerial photography also identifies trees and shrubs along the side yard area.
- 5) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicant has obtained the City of Duluth Tourism Tax license and have a Tax ID number. Applicants will need to complete an inspection from the Minnesota Department of Health as part of the process for obtaining a Lodging License, and another with the City's fire prevention office. Applicants will also need to apply for a Hotel/Motel License.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No citizen or City comments were received on this zoning application.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.
- 3) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 4) Burning of garbage outdoors is prohibited.

Legend
 **Zoning Boundaries**
 Zoning Boundaries



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography from 2013

Melrose Ave

Prepared by: City of Duluth Planning Division, April 20, 2016. Sources: City of Duluth



Transportation and Utilities

damages in connection with the use of this information contained within



Vacation Dwelling Unit Narrative for 1822 Melrose Avenue

1. The minimal rental period shall be greater than 2 consecutive nights.
2. The total number of persons that may occupy this property is 7.
3. The off-street parking available at this property accommodates 3 vehicles.
4. Only one motorhome and/or trailer will be allowed to park at the site and only off-street.
5. All licenses and permits will be obtained for guest occupancy on the property for 2 to 29 days.
6. A guest record, local designated and disclosed contact, property use rules, taxation and interim use permit violations procedures will be documented and provided.
7. A site plan that is drawn to scale that shows parking, driveways, all structures and outdoor recreational areas that guests will be allowed to use is provided with the application.
8. The site permit, upon being granted expires in six years or upon change in ownership of the property.
9. A guest record will be kept which will include the name, address, phone number and vehicle (and trailer) license plate information for all guests. This would be available to the City within 48 hours notice.
10. A local contact is designated and resides within 25 miles of the city and has the authority to act for the owner in responding 24-hours-day to complaints from neighbors or the City. Contact name: Adam McCauley, phone # (218)341-6642, 4801 Pitt Street Duluth, Mn. . Any changes to this contact will be forwarded to the Land Use Supervisor within 10 days.
11. The name, address and phone number for the local contact has been sent to all property owners within 100' of the property boundary. Any changes to this contact will be forwarded to these neighbors within 10 days.
12. The local contact's name, address and phone number will be provided to guests. Guests will also be informed of the maximum number of guests allowed at the property, the maximum number of vehicles (including recreational vehicles) allowed, the expectations of the exterior features of the property, and the ordinances governing noise, parks, parking and pets.
13. The permit number will be posted on all print, poster or web advertisements.
14. The building has been inspected by the Fire Prevention office and Operational Permit is currently active and under review.
15. State and local sales tax numbers including Hotel and Motel Use Sales Tax have been obtained.

SURVEY FOR: BENJAMIN WHEELER
PO BOX 341
MILLTOWN, WI 54858

STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Fair Blvd
Moon Lake, WI 55767
E-MAIL: benders@straightlinesurveying.com

Telephone: (218)-485-4811
Fax: (218)-485-4811

SURVEY OF: LOT 2, BLOCK 1, OF THE PLAT
OF "BROOKLINE" LOCATED IN
SECTION 11, TOWNSHIP 50,
RANGE 14, CITY OF DULUTH, ST
LOUIS COUNTY, MINNESOTA.

ADDRESS: 1822 MELROSE AVENUE

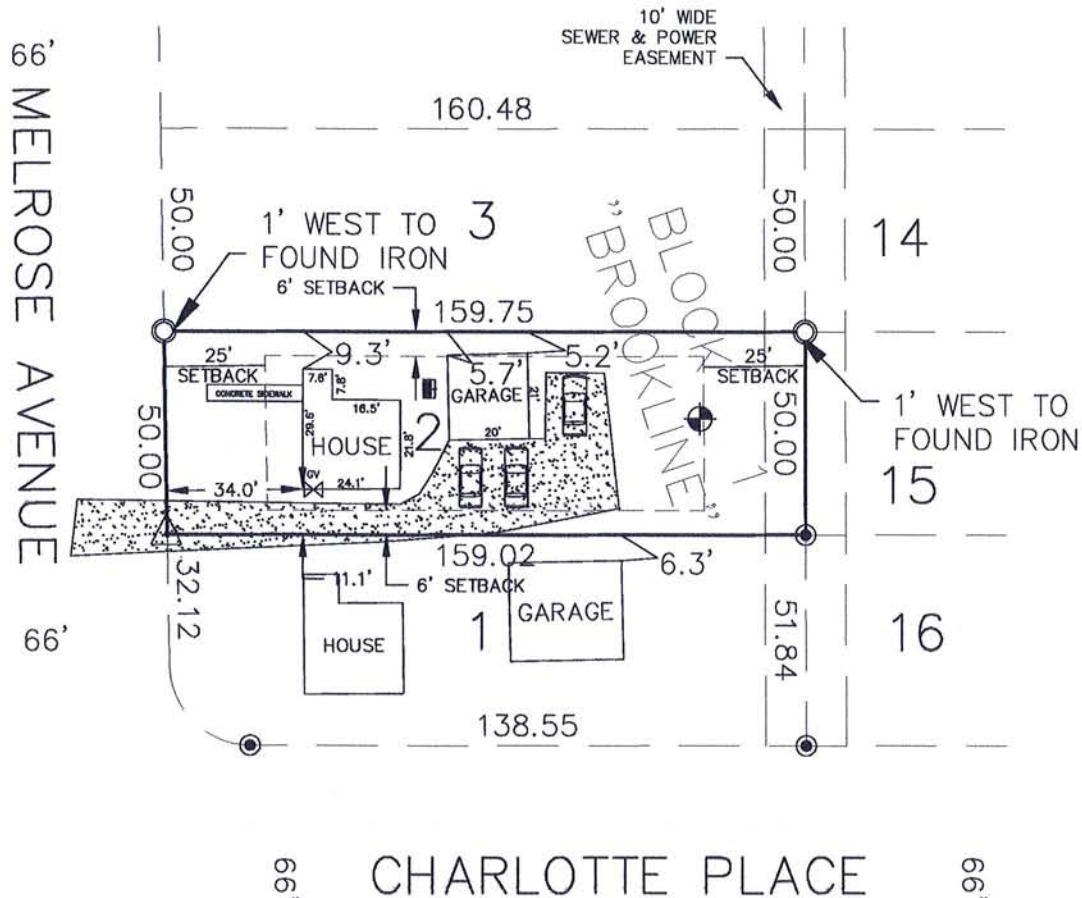
ZONE DISTRICT: R-1

LOT AREA: 7969 SF

SCALE 1"=30'

30 15 0 30

- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- △ DENOTES "MAG" NAIL SET
- ▨ DENOTES PLOWED AREA OF DRIVEWAY
- ⊗ DENOTES GAS METER
- ⊙ DENOTES PROPOSED PORTABLE FIREPLACE
- DENOTES PROPOSED GRILL LOCATION
- DENOTES PROPOSED PARKING AREA



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson
Benjamin H. Anderson

45498
License No.

01-26-2017
Date

2017-018
Job No.

ST LOUIS 5 P.14
Book No.

RECEIVED JAN 30 2017

